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both on the occasion of the surgery and after Mr. De Rudder's death. One may, and many quietly do, question whether the pressures thereby brought to bear upon those who must decide what research shall and what shall not be supported are conducive to calm judgment.

The other has to do with Mr. De Rudder as a particular patient and as a representative of patients. Was it wise to subject him and his wife—who first learned of the operation from the press—to such fanfare? Is it ethical?

"It has been a long-standing scientific tradition to report the results of one's research first to one's professional colleagues," said a cardiac surgeon who, like most, preferred not to be quoted by name. The reasons for such a tradition are founded both in humane considerations concerning the individual patient and scientists' skepticism of "first blush" results. They prefer to examine such experiments in the undistorted light of unpublicized, precise reports. In this way, fewer false hopes are raised among the desperately ill and, conversely, less despair is engendered when a trial results in less than complete success.

The CIA Above the Law

The CIA, known around the world for taking the law into its own hands, has now demonstrated that it considers itself above legal restraint even at home. This new recklessness emerges from a suit brought by one Eerik Heine, an Estonian expatriate who claims a long history as an anti-Communist freedom fighter. The defendant is one Juri Raus, another Estonian expatriate who admits to being an agent for the CIA. Raus had charged publicly that Heine, far from being a patriot hero, is really an agent of the KGB, the Soviet secret police. Heine sued Raus for slander. Some \$100,000—to say nothing of Heine's reputation—rides on the judgment. The case is now pending before Judge Roszel C. Thomsen in the Federal District Court in Baltimore.

Raus does not deny that he made the charges. But—incredibly—he maintains that he made them on orders of the CIA and, as a result, has no obligation to prove them. The CIA acknowledges that it sought to buy off the victim in an out-of-court settlement. But Heine, to the agency's dismay, has insisted on a trial to clear his name.

Surfacing to protect its man, the CIA filed an official affidavit with the court which says that "Raus was in possession of information furnished to him by the Central Intelligence Agency, and when he spoke concerning the plaintiff on such occasions he was acting within the scope and course of his employment by the Agency on behalf of the United States." Raus's attorneys argue that "under these circumstances, there arises in favor of the defendant an absolute privilege which precludes, even under a showing of malice, any possibility of recovery by the plaintiff."

How similar this contention sounds to the claim of the Stuart monarch, James I, who declared in 1609 that kings are "judges over all their subjects and in all causes and yet accountable to none but God only. They have power to exalt low things and abase high things, and make of their subjects, like men at the chess, a pawn to take a bishop or a knight. . . ." It was this contention, of course, which led to England's revolutionary war and the affirmation—

once and for all, we had thought—that kings (to say nothing of CIA agents) were subject to law.

The implication of the CIA's assertion is enormous. If not challenged, it means that an agency of government can inflict any manner of harm upon the citizenry and remain—upon claim, however shaky, of overriding national interest—immune from responsibility. The CIA says that a more elaborate defense might expose its entire counterespionage apparatus in the United States. Even if the allegation were justified (and there is no way to verify it), it scarcely entitles the CIA to stomp on people's rights in the process.

The CIA argues that the Supreme Court affirmed its power to libel Heine in a 5-to-4 decision (*Barr v. Mateo*) in 1959. The decision, one of the Warren Court's less felicitous ones, established the risky principle that an official could not be sued for libel committed in the course of duty. It did not say—which is what the CIA contends it says—that the government has a right to resort to slander as a conscious instrument of policy. It did not, furthermore, say the government could haughtily withhold any defense, on the ground of executive privilege. Attorney General Katzenbach, happily, has refused to lend his personal authority to the CIA position. Even Judge Thomsen, who has been sympathetic to the CIA's dilemma, was forced to observe: "I think that the plaintiff is entitled; assume the plaintiff is a Communist, assume he is everything you say, everybody has rights in this country." The question, obviously, cannot be left unchallenged. It is to be hoped that this case will soon find its way to the Supreme Court.

In Loco Parentis

To what extent should an employer, or an institution of learning, take the place of parents in enforcing strict standards of sexual purity? The colleges are going one way, J. Edgar Hoover's FBI the other. The crime busters and the deans are put in striking opposition in two stories in *The New York Times*, April 24 and 26. One, based on a survey by Jonathan Randal, finds Grundyism in precipitate retreat at the Ivy League universities; the other, written by Frank P. Graham, seems to show that the soul of Queen Victoria has lodged in the body of Mr. Hoover. This has nothing to do with security; it is solely a question of morality. A spokesman for the Bureau says: "We have hundreds of young men and women coming to work for the FBI in Washington. We must be sure that their parents can be confident that they and their colleagues are living under exemplary conditions."

The exemplary conditions include, in Graham's words, "an enormously effective surveillance system" that reaches down to the lowest clerical employees and requires a prompt report by any employee who discovers an indiscretion committed by another employee. If two FBI employees have the misfortune to become lovers, each must promptly inform on the other. If they neglect to do so, they are likely to be found out anyway, since most unmarried employees live in apartment houses "recommended" by the Bureau.

Thus, Thomas F. Carter, a 25-year-old Air Force veteran, was dismissed from his clerical job after his "girl friend of long standing from Texas" stayed overnight in the two-bedroom apartment he occupied with three other FBI employees. All four men were required to sign statements

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giving "specific details" eight days later a letter signed by Mr. Hoover was handed to Mr. Carter, dismissing him as of that day for "conduct unbecoming an employee of this bureau." He is now suing Mr. Hoover to get his job back.

What a contrast between the high moral standards of the FBI and the permissiveness of the universities! At Columbia the administration has dropped the rule that the door of a student's dormitory room must be left slightly ajar when he is entertaining a woman visitor. She may stay behind a totally closed door until midnight on Friday and 1 A.M. on Sunday. At Yale, Dean George S. May says flatly: "We are not interested in the private lives of students as long as they remain private." At Cornell, Ruth Darling, the assistant dean for residence halls, says: "We don't ask what they do and don't want to know."

At one university a student was discovered in bed with a girl in his dormitory room "well after visiting hours." The university notified his parents, who couldn't see anything

wrong with junior's behavior—whether being in bed with the girl or being in bed with her after hours, the story does not say. Time was when a student thus caught in *flagrante delicto* would have been summarily expelled, but now the university ponders motivation. "For example," the reporter explains, "if the couple have been going together, were in love, had been to bed before, then such factors would amount to extenuating circumstances."

The defense of having been in bed before may prove especially attractive. Without any implication of sinful behavior on the part of Mr. Carter and his long-standing girl friend from Texas, it is evident that a variant of this defense failed to move J. Edgar Hoover. It is also evident that Mr. Hoover's parietal rules are not universally popular with the help. The Justice Department discloses that whereas the turnover of government employees as a whole in Washington is under 20 per cent, the FBI lost more than 34 per cent of its Washington employees last year.

FOUNDATION PIPE LINES

THE BENEFICENT CIA

ROBERT G. SHERRILL

Washington

One of the "in" games in Washington is uncovering the funny business of the Central Intelligence Agency, especially as it relates to funneling money through a maze of foundations for the purpose of shaping foreign policy. Last month Group Research, Inc., a fact-finding organization based in Washington, made a high score in this game by picking up a cold trail (a couple of years old, thanks to the Internal Revenue Service's tardiness in assimilating and releasing such data). It was nevertheless a significant trail, because it appeared to lead to the American Friends of the Middle East, an anti-Zionist, pro-Arab, organization; and to the Cuban Freedom Committee, sponsor of "Free Cuba Radio" and certainly the most belligerent anti-Castro radio series broadcast out of this country, whose advisory board includes several galloping right wingers.

Followers of this mystery serial may recall that two years ago Rep. Wright Patman of Texas, investigating the CIA-Kaplan Fund-IRS arrangement, demanded information relating to eight other foundations. [See editorial, "Foundations as 'Fronts,'" *The Nation*, September 14, 1964.] The Kaplan Fund, he had discovered by stubborn detective work, was a conduit for CIA funds, and these other eight foundations had been contributing to the Kaplan Fund; so Patman wanted to know if they were part of the CIA pipe line.

At that point he ran into what he called "a hint that I had better not touch this because it involves foreign operations of the CIA." Taking the hint, he rang down the curtain and the rest of his inquiry was finished in executive session. The public learned nothing about the eight foundations: the Michigan Fund, the Gotham Foundation, the Price Fund, the Edsel Fund, the Andrew Hamilton Fund, the Bordon Trust, the Beacon Fund and the Kentfield Fund. Now, as a result of Group Research, Inc.'s investigations,

one corner of the bureaucratic curtain has been lifted to reveal as neat a performance of fund swapping as one will find in the IRS files.

Seven of these foundations (the Michigan Fund does not seem to be involved in this ploy) have been giving money to Christianform and/or the American Friends of the Middle East. The benefactions to the American Friends were transmitted through the Brown Foundation, the Jones-O'Donnell Fund and the Marshall Foundation, and these three, plus six of the seven original donors, also gave to Christianform: the Andrew Hamilton Fund gave directly to Christianform but to none of the three intermediary foundations, and Gotham gave nothing directly to Christianform. If these transactions sound complicated, it must be remembered that fiscal simplicity was probably not the first consideration. The point to be noted is that seven of the eight foundations that are known to have been pumping money into the Kaplan Fund have now been found aiding Christianform and the American Friends. How, then, do the recipients use the money?

Christianform is an organization that dates back to 1949. Its founder and president is Nicholas T. Nonnenmacher (Major, Air Force, ret.), former assistant editor of the right-wing publication *Human Events*. For four years he was staff specialist of the American Legion, assigned to its subversive activities committee, and is now administrative assistant to Glenn Andrews of Alabama, one of the more unreconstructed Congressmen. Nonnenmacher's latest achievement was writing the script for the movie, *Peace or Communism*, which gives the peaceniks the usual rough treatment. One notable adviser to Christianform has been Paul Crouch, the professional ex-Communist who left his smudge on several Congressional investigations.

The income of their organization having mysteriously soared from \$3,100 in 1959 to more than \$250,000 in 1961,